

**POPOVICH, WILES &  
O'CONNELL, P.A.****ATTORNEYS AND COUNSELORS AT LAW**

Suite 600  
650 Third Avenue South  
Minneapolis, Minnesota  
55402  
(612) 334-8989  
Fax (612) 334-8994

Terry L. Wiles  
(612) 334-8992  
twiles@pwolaw.biz

**RECEIVED**  
CENTRAL FAX CENTER

**FEB 15 2007**

<b>To: Examiner Kim M. Lewis</b> <b>Group Art Unit: 3772</b> <b>Serial No.: 10/780,370</b> <b>Company: United States Patent and</b> <b>Trademark Office</b> <b>Location: Alexandria, VA</b> <b>Phone: 571-272-4796</b> <b>Fax: 571-273-8300</b>	<b>From: Terry L. Wiles</b>  <b>Direct phone: 612-334-8992</b>  <b>Date: February 15, 2007</b> <b>Pages including cover sheet: 12</b> <b>Reference #: 815</b>
--	---

**Comments:**

---

**Certification of Facsimile Transmission**

I hereby certify that 12 pages including cover are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

Date: February 15, 2007

Signature: 

Name: Jodi Jung

---

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED SOLELY FOR THE USE OF THE PERSONS OR ENTITIES NAMED ABOVE. IF YOU ARE NOT SUCH PERSONS OR ENTITIES, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION, DISSEMINATION OR REPRODUCTION OF THIS FACSIMILE MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE IMMEDIATELY CALL US COLLECT AT (612) 334-8989.

---

RECEIVED  
CENTRAL FAX CENTER

FEB 15 2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: David R. Knighton et al.

Attorney Docket: EMB1007USC2

Serial No.: 10/780,370

Group Art Unit: 3772

Filed: February 17, 2004

Examiner: Kim M. Lewis

For: VEIN HARVESTING SYSTEM AND METHOD

**TRANSMITTAL LETTER**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith are the following:

1. Amendment After Allowance (4 pages);
2. Copy of the Continuation Application under 37 C.F.R. § 1.53(b)  
Transmittal filed in the above-identified application on February 17, 2004  
(3 pages); and
3. Copy of the Filing Receipt dated May 11, 2004 (2 pages).

---

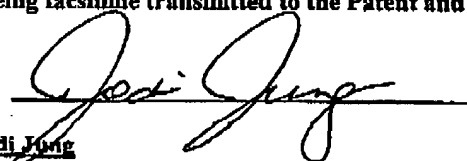
**Certification of Facsimile Transmission**

I hereby certify that 2 pages including cover are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

Date:

February 15, 2007

Signature:

Name: Jodi Jung

Transmittal Letter

Applicants: David R. Knighton et al.

Serial Number: 10/780,370

Attorney Docket: EMB1007USC2

RECEIVED  
CENTRAL FAX CENTER

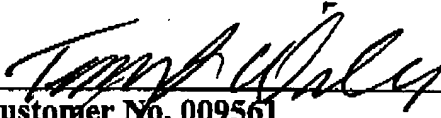
FEB 15 2007

It is believed that no fees are due in connection with this submission. However if this is incorrect, please charge any additional fees to Deposit Account No. 16-2312.

Respectfully submitted,

Date: 2/15/07

By

  
Customer No. 009561  
Terry L. Wiles (29,989)  
Patrick J. O'Connell (33,984)  
POPOVICH, WILES & O'CONNELL, P.A.  
650 Third Avenue South, Suite 600  
Minneapolis, MN 55402  
Telephone: (612) 334-8989  
Fax: (612) 334-8994  
Attorneys for Applicants

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED  
CENTRAL FAX CENTER

FEB 15 2007

In re Application of: David R. Knighton and Vance D. Fiegel

Docket No.: EMB1007USC2

Anticipated Classification of this  
application:

Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior Application: 10/391,148

Examiner: Fadi H. Dahbour

Group Art Unit: 3742

**CONTINUATION APPLICATION UNDER**  
**37 C.F.R. § 1.53(b) TRANSMITTAL**

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

This is a request for the filing under 37 C.F.R. § 1.53(b) of a  
☒ continuation, ☐ divisional, ☐ continuation-in-part of pending prior Application No.  
10/391,148, filed March 18, 2003 which is a continuation of U.S. Serial No. 09/715,382,  
filed November 17, 2000, now U.S. Patent No. 6,558,313, entitled VEIN HARVESTING  
SYSTEM AND METHOD and naming as inventors David R. Knighton, having an  
address of 3846 Zenith Avenue South, Minneapolis, Minnesota and Vance D. Fiegel,  
having an address of 1401 Mississippi Street, New Brighton, Minnesota.

1. ☒ Enclosed are 13 pages of specification, 3 pages of claims  
(11 claims), 1 page of abstract, and 5 pages of drawings.
2. ☒ Enclosed is a copy of the Declaration and Power of Attorney  
(3 pages).

---

**Certificate of Express Mailing (37 C.F.R. § 1.10)**

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express  
Mail Post Office to Addressee" Mailing Label No. EV 399043890 US and is addressed to Mail Stop Patent  
Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: February 17, 2004

Signature: \_\_\_\_\_

Name: Jodi Jung

Applicants: David R. Knighton et al.  
Prior Application No.: 10/391,148

Attorney Docket: EMB1007USC2

3. ☒ Incorporation by Reference. The entire disclosure of the prior Application No. 10/391,148, filed March 18, 2003, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference.
- 4a. ☒ The inventors have assigned their rights in this invention to Embro Corporation, which is a small business concern in accordance with 37 C.F.R. § 1.27(a)(2), and the Small Entity Status in accordance with 37 C.F.R. § 1.27(c)(1) is therefore asserted.
- 4b. ☒ The filing fee is calculated below.

RECEIVED  
CENTRAL FAX CENTER

FEB 15 2007

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee \$385.00
Total Claims	11-20	0	X	\$18.00	\$0.00
Independent Claims	3-3	0	X	\$84.00	\$0.00
Multiple Dependent Claims	0	0	X	\$280.00	\$0
Total					\$385.00

5. ☐ The Commissioner is hereby authorized to charge any deficiency in fees which may be required, or credit any overpayment to Deposit Account No. 16-2312. A duplicate copy of this sheet is enclosed for that purpose.
6. ☒ A check in the amount of \$ 385.00 is enclosed to cover the required filing fees.
7. ☒ Five sheets of formal drawings are enclosed.
8. ☒ The Assignment records in the Patent and Trademark Office indicate that the prior application is assigned to Embro Corporation, at reel 011430 /frame 0237.

Applicants: David R. Knighton et al.  
Prior Application No.: 10/391,148

Attorney Docket: EMB1007USC2

9. ☒ The Power of Attorney in the prior application is to: Thomas E. Popovich, Terry L. Wiles, Patrick J. O'Connell, Miriam G. Simmons and others.

a. ☐ The power appears in the original papers in the prior application.

b. ☒ A copy of the power in the prior application is enclosed.

c. ☒ Address all future communications to:  
Terry L. Wiles, Esq. (29,989)  
Popovich, Wiles & O'Connell, PA  
650 Third Avenue South  
Suite 600  
Minneapolis, MN 55402

RECEIVED  
CENTRAL FAX CENTER

FEB 15 2007

10. ☒ An Information Disclosure Statement (2 pages), and two copies of Form PTO-1449 (2 pages) are enclosed.

Respectfully submitted,

Dated: 2/17/04

By

  
Customer No. 009561

Terry L. Wiles, Esq. (29,989)

Patrick J. O'Connell, Esq. (33,984)

Miriam G. Simmons (34,727)

Popovich, Wiles & O'Connell, P.A.

650 Third Avenue South

Suite 600

Minneapolis, MN 55402

Telephone: (612) 334-8989

Representatives of Applicants



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/780,370	02/17/2004	3736	385	EMB1007USC2	5	11	3

ACKNOWLEDGED RECEIPT

CONFIRMATION NO. 1839

Terry L. Wiles, Esq.  
 Popovich, Wiles & O'Connell, PA  
 Suite 600  
 650 Third Avenue South  
 Minneapolis, MN 55402

MAY 17 2004

BY POPOVICH &amp; WILES, PA

FILING RECEIPT



\*OC000000012587075\*

Date Mailed: 05/11/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

David R. Knighton, Minneapolis, MN;  
 Vance D. Fiegel, New Brighton, MN;

**Assignment For Published Patent Application**

Embro Corporation;

**Domestic Priority data as claimed by applicant**

This application is a CON of 10/391,148 03/18/2003 PAT 6,705,986  
 which is a CON of 09/715,382 11/17/2000 PAT 6,558,313

**Foreign Applications**

If Required, Foreign Filing License Granted: 05/08/2004

Projected Publication Date: 08/19/2004

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

Vein harvesting system and method

**Preliminary Class**

600

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 184, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).